

In the matter of the ESTATE OF JACK FRANQUI IV AND  
SIMON NICHOLAS AND ANNE EARLE

AFFIDAVIT

-against-

THE COUNTY OF SUFFOLK, SUFFOLK COUNTY POLICE  
DEPARTMENT, POLICE OFFICERS JOHN AND JANE DOES 1-10

John Burke, being duly sworn deposes and says under penalty of perjury:

My name is John Burke. On January 23, 2012, I was arrested in Brooklyn N.Y. by Suffolk County detectives and brought back to the Suffolk County's 7th precinct in Shirley N.Y. At that time, I was brought to the rear of the precinct and placed in an area that contained holding cells. That area was in the rear of the precinct down a hallway to the left, after walking through a doorway. As I was being walked to my cell, I observed a man now known to me, as Jack Franqui. Jack was sitting quietly inside cell #1. He was wearing a white t-shirt, blue jeans, and had dark colored hair. Outside his cell I saw a small pile of clothes. I was placed in cell #3. Before entering the cell, I was asked to take off my belt and shoes. I specifically remember how cold it was that day, and especially inside the cell area. There was no heat and you could see your breath as you spoke. A short time after being placed in my cell, Jack began speaking to me. Jack was telling me that he was arrested by a female police officer. Jack informed me that the female officer asked him when he had smoked marijuana last. Jack said, "It was January 9<sup>th</sup>." The officer's reply to him was, "Good, it will show up in your system." Jack went on to say that he had just gotten out of jail recently, and the police at the time of Jack's arrest were saying that Jack sicked his dog on them. Jack said that was absolute nonsense, "the dog just ran out of his car". Jack was getting more and more upset and also told me the police had "roughed him up and were out to get him". Jack started saying, "I think I'm going to hang up." At that time I didn't really know what that meant. Jack began screaming at the top of his lungs, words to affect that: "I need medical assistance", "I need to go to the hospital". "I need medical attention." Jack was screaming loudly. There was no way the officers outside the doorway did not hear him. I know this because I could hear small bits of conversation that the officers were having right outside the door. I'm not sure of the exact time that had passed, but a substantial time elapsed before a police officer finally came back to the cell area. The officer asked Jack "what he was going on about?" Jack informed the officer that he wanted to go to the hospital, and that he needed medical attention. The officer replied that if Jack went to the hospital, that they are just going to bring Jack back to the precinct--suggesting they were not going to take Jack to the hospital. At that point, Jack asked the officer, "Let me speak to your sergeant." The officer replied, "Ok" but never came back. After a while, once Jack realized that a supervisor was not coming back to see him, he started yelling again words to the affect of, "If you don't get me medical attention, I'm leaving here in a body bag." I cannot be sure of the number of times that Jack yelled for medical

assistance, but it was continuous and obviously the officers were simply ignoring him.

I cannot stress how cold it was in the holding cell area. It was actually inhumane!! I remember being curled up on a bench, shivering, holding on to a small blanket that was like a piece of cardboard issued to me. Jack asked me for a piece of my blanket, which I gave him. You could see your breath in the air.

After some time, once again Jack started yelling at the top of his lungs words to the affect that: "I need medical assistance. I need medical assistance." At one point Jack started to yell "I'm having chest pains". When his cries for help were ignored, Jack again told me, "I'm just going to hang up." At that point, Jack kept asking me to memorize his dad's phone number over and over and over again. Jack started saying, "When I do this, tell my dad I didn't have drugs on me. I never let my dog out after the police. Please tell my dad Simon knows the real story about what had happened today, and again asked me to repeat his fathers phone number back to him. Which, I did. Jack said, "Tell my father I can't go back to jail." At that point, Jack again started yelling again words to the affect of: "Guard, I need to go to the hospital. I need medical assistance or I am gonna leave here in a body bag."

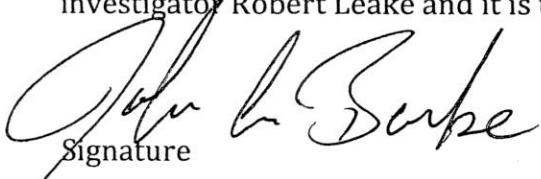
I know for a fact there where cameras inside the holding area. The cameras were positioned above the cells and were visible to see. They were facing directly towards the individual cells. At that point, Jack stuck his head in the toilet and started banging his head on the wall and screaming, "I need medical assistance." Then Jack proceeded to tie his t-shirt onto the bars of the cell like a noose. I could see what Jack was doing from one of the camera lens that was facing his cell. At that point, two officers came finally came into the cell area and cut Jack's t-shirt off the bars to prevent him from hanging himself. Approximately one hour went by between the time the first officer came back to the cell area, and these officers came back to cut down Jack's tee shirt from the cell. I thought for sure at that point it was clear Jack was having a mental breakdown and Police would take him to a hospital. But the officers just left the room and refused to help him. I could not believe they did nothing and just left him alone blowing off his pleas for help. I can honestly say that anyone with half a brain would have realized this kid was in trouble.

After they left, Jack started crying and saying, "I can't go back to jail, and saying something about being worried about his dog." Jack again asked me to repeat back his father's phone number. Jack started telling me, "I could have his boat and to please tell his dad that he loved him, and not to let him die in vain." Jack then started to explain to me that when people hang themselves their bowels empty and started to apologize in advance because he was going to hang himself and it was going to smell. I started to get nervous and told Jack to calm down and please stop talking like that. At that point it got quiet, and I thought Jack might have calmed down or be laying down in his cell, or possibly even fell asleep. A short time later, I heard some rustling. I realized later Jack was tying his pants to the cell. I started to hear a gurgling sound, and ran over to the front of my cell and look to my left and saw

Jack's body handing and twitching. I started to yell, "Jack! Jack!" All I could hear was gurgling and then quiet. I started screaming at the top of my lungs, "Guard! Guard!" I was frantically pointing at the camera towards Jack's cell. I would estimate five to maybe ten minutes had gone by before anybody even came back to the cell area. I know for a fact, before the officers entered the cell area, they must have seen Jack on the cameras. The reason I say this, is before the officers entered the cell area, I heard one of the officers saying, "Do you have a knife?" Once the officers entered the cell area, I heard one officer say, "Check for a pulse." And I heard another one say, "There is none." At that point, I was moved across the hallway to another area of cells that I believe was utilized for females. Eventually detectives came and asked me about the incident. I described in detail, about how Jack was screaming on and off for four to four and a half hours for medical attention and was ignored. The detectives wrote a statement for me and asked me to sign it. At the time I was distraught and I dont recall what they wrote in the statement. I still can't believe that after the first time Jack tied his shirt to the bars and repeatedly asked to go to a hospital over and over again or he would be leaving in a body bag, that officers just ignored him. He was screaming for hours repeatedly at the top of his lungs. I can't believe that the police allowed this to happen.

After I was released from jail I saw an article in the newspaper. I read that nothing out of the ordinary transpired after Jack's arrest, , that he was calm during the arrest process, and before Jack hung himself, there were no indications that he was susicidal. I was upset by the article and reached out to Jack's father. I did this because I did made a promise to Jack that I would call his dad and wanted to keep that promise. I felt it was the right thing to do. What was reported in the paper appeared to be the exact opposite of the true facts. I was concerned the police going to lied about what happened after I read the article.

I am certain that had someone taken the time to listen and help Jack he would certainly be alive today. The fact is that many police officers heard Jack's legitimate cries for help and simply ignored him for hours. What happened that day is the exact opposite of what you would expect of police behavior under the existing circumstances. It was shocking that nobody helped this poor kid and it appeared to be intentionally done to make him suffer. I am giving this statement to Private investigator Robert Leake and it is the truth.



Signature

John Burke, Witness

SWORN BEFORE ME on the 3<sup>rd</sup> Day of July 2013

